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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,722	01/24/2001	Jean-Claude Martin	Q62481	3662

7590 12/28/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
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WASHINGTON, DC 20037-3213

EXAMINER
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MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/767,722	<b>Applicant(s)</b> MARTIN ET AL.	
	<b>Examiner</b> Naghmeh Mehrpour	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/04 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Frenkel (US Patent Number 6,052,339).

Regarding claim 7, Kalbermatter teaches a crystal in particular for a telephone watch (see figure 4, numeral 2, col 2 lines 7-26) including a keyboard 13 disposed under a lower face of the

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surface, said crystal including a thick zone 5 and a thinned zone (the surrounding area, col 5 lines 28-36), the keyboard 13 being deposited in the thinned zone (surrounding area, col 3 lines 26 37). Kalbermatter fails to specifically mention that the entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors, **the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode**. However Frenkel teaches a wrist watch wherein the entire surface is crystal (col 3 lines 1-5), and a keyboard formed in particular of a plurality of capacitive sensors (col 1 lines 21-27) **the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode (col 3 lines 40-55)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Frenkel with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 2, Kalbermatter teaches a telephone watch wherein the thinned zone (surrounding area) is arranged on the side of the crystal lower face (see figure 4, col 3 lines 29-37).

Regarding claim 3, Kalbermatter teaches an apparatus wherein the thick zone 5 is disposed at its center and in that the thinned zone (surrounding area) is disposed at its periphery (see figure 4, col 3 lines 29-37).

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Regarding claim 4, Kalbermatter teaches an apparatus wherein it is round wherein the thinned zone (surrounding area) forms a ring under which the keyboard 13 is deposited (col 3 lines 2937).

Regarding claim 5, Kalbermatter teaches a crystal telephone wristwatch 2 wherein the keyboard 13 includes a first decorative opaque layer formed of numbers and signs (64, 65) and deposited directly under the thinned zone (surrounding zone), and a second layer deposited under the first and formed of a plurality of conductive pads (col 4 lines 21-43), a conductive pads corresponding to each number (13) or sign (63, 64, col 3 lines 26-37), the conductive pads (blade 36, D track) being individually connected to a printed circuit 31 (see figure 5, col 4 lines 19-42).

4. Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Frenkel (US Patent Number 6,052,239), in further view of Stauffer (US patent Number 6,456,569).

Regarding claim 6, Kalbermatter teaches wherein keyboard 13 being sandwiched between said thinned zone (surrounding zone) and a reinforcement (col 4 lines 19-42). Kalbermatter modified by Frenkel fails to show a crystal watch wrist wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal. However Stauffer teaches show a crystal watch wrist wherein it is secured onto a bezel 36 including an inner reinforcement extending under the thinned zone of the crystal 5 (see figure 1, col 2 lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to combine the above teaching of Stauffer with Kalbermatter modified by Frenkel, in order to provide support for the movement of the watch, and enable the user to avoid pressing several keys on the keyboard at the same time.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 2-7, have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 27, 2004

**JOODY MEHREZ**  
**VENTURA**

